

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PAMELA KILTY, *individually and as
Special Administrator of the Estate of Elvira
Kilty*, PAUL J. KILTY, DAVID L. KILTY,
WILLIAM J. KILTY and JAMES S.
KILTY,

Plaintiffs,

v.

ORDER

16-cv-515-wmc

WEYERHEAUSER COMPANY, 3M
COMPANY, METROPOLITAN LIFE
INSURANCE COMPANY, OWENS-
ILLINOIS, INC., UNKNOWN INSURERS
OF OWENS-ILLINOIS, INC., UNKNOWN
INSURERS OF RODDIS PLYWOOD
CORPORATION and UNKNOWN INSURERS
OF WEYERHAEUSER COMPANY,

Defendants.

SCOTT SPATZ, *as Special Administrator of the
Estate of Herbert Spatz*,

Plaintiff,

v.

16-cv-726-wmc

WEYERHEAUSER COMPANY, 3M
COMPANY, METROPOLITAN LIFE
INSURANCE COMPANY, OWENS-
ILLINOIS, INC., UNKNOWN INSURERS
OF OWENS-ILLINOIS, INC., UNKNOWN
INSURERS OF RODDIS PLYWOOD
CORPORATION and UNKNOWN INSURERS
OF WEYERHAEUSER COMPANY,

Defendants.

The above-captioned cases are the latest of several brought against defendants Weyehaeuser, Owens-Illinois and 3M in this court that concern asbestos exposure and

subsequent development of asbestos-related diseases. The court previously stayed both of these lawsuits pending the outcome of a consolidated appeal to the Seventh Circuit Court of Appeals from this court's ruling in earlier, similar cases. ('515 dkt. #35; '726 dkt. #18.) Yesterday, the Seventh Circuit issued an opinion and order affirming this court's rulings with respect to the claims asserted against defendants Owens-Illinois and Weyerhaeuser.¹

Accordingly, the stays entered in the above-captioned cases are LIFTED. Plaintiffs have until June 28, 2017, to file amended pleadings consistent with the Seventh Circuit's opinion. In particular, plaintiffs: (1) may well wish to withdraw all claims against Owens-Illinois in their respective amended pleadings, rather than face possible sanctions by this court; and (2) should be mindful of the Seventh Circuit's treatment of any claim asserted against Weyerhaeuser based on non-occupational exposure. Defendants' respective answers, motions or other responses to the amended pleading will be due 21 days from filing. Once the answers or motions to dismiss have been filed, the court will hold a preliminary pretrial conference to establish appropriate deadlines and expedited trial dates.

Entered this 7th day of June, 2017.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge

¹ Plaintiffs in the earlier cases settled their claims with 3M without this court rendering any decision on the merits. Accordingly, those claims were not addressed in the appeals.